1979 No. 112

JUDICATURE, NORTHERN IRELAND COUNTY COURTS

County Court (Amendment No. 2) Rules (Northern Ireland) 1979

Made . . . . . 28*th March* 1979

Coming into operation . . . 18*th April* 1979

We, the County Court Rules Committee, appointed by the Lord Chancellor under section 146 of the County Courts Act (Northern Ireland) 1959(**a**), hereby, in accordance with that section, make the following rules:—

Citation

1. These rules may be cited as the County Court (Amendment No. 2) Rules (Northern Ireland) 1979.

Amendments and revocations of the Rules of 1976

2. The provisions of the County Court Rules (Northern Ireland) 1976(**b**) specified in the first column of the Schedule are amended or revoked to the extent specified in the second column.

We, the undersigned members of the County Court Rules Committee, having by virtue of the powers vested in us in this behalf made the foregoing rules, do hereby certify the same under our hand and submit them to the Lord Chancellor accordingly.

James A. Brown
J. P. Higgins
Harry Coll
C. Nelson M. Rountree
T. F. Glass

After consultation with the Lord Chief Justice I allow these rules which shall come into operation on 18th April 1979.

Dated 28th March 1979.

Elwyn-Jones, C.

(**a**) 1959 c. 25 (N.I.) as amended by 1978 c. 23
(**b**) S.R. 1976 No. 374 (II, p. 1774) as amended by S.R. 1977 No. 324; S.R. 1978 No. 56 and S.R. 1978 No. 370

SCHEDULE

Amendment of the County Court Rules (Northern Ireland) 1976

Provision amended or revoked	*Extent of amendment or revocation*
Order 1	For the words "the court for the division" wherever they occur there shall be substituted the words "a court for the division". In rule 1(1) after the word "enactment" there shall be inserted the words "including Order 25A rule 2". In rule 13 for the words "or clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar, circuit administrator or chief clerk".
Order 3	In rules 10 and 15 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". Rule 26 shall be revoked.
Order 4	In rules 1 and 3 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 5	In rules 3(3) and 5(2) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 6	In rules 3(3) and 9(1) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 7	In rules 4(1) and 5 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 8	For rule 1 there shall be substituted the following rule: "1.—(1) In each division, for each ordinary sitting of the court in that division, civil bills shall be entered or lodged in accordance with the following Rules on or before a day (hereinafter referred to as the "entry day") which shall be 14 days before the opening day of that sitting of the court. (2) When such day is a public holiday the entry day shall be the previous day on which the Office is open." In rules 2, 3, 4, 6 and 7 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 9	In rule 9 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 11	In rule 1(3) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".

Provision amended or revoked	*Extent of amendment or revocation*
Order 12	In rules 3, 4, 9, 12, 13, 15 and 17 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 13	In rules 3, 4, 5 and 6 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 14	In rule 1(1) for the words "clerk of the Crown and peace or other officer" there shall be substituted the words "circuit registrar or chief clerk" and for the words "clerk of the Crown and peace or, as the case may be, the other officer" wherever they occur there shall be substituted the words "circuit registrar or as the case may be, the chief clerk". In rules 1(2), 2, 3, 4(1), 5(1), (3) and (4) and 9(2) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar". In rules 4(2) and (3), 5(2) and (5) and 11 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 5(3) for the word "he" there shall be substituted the words "the chief clerk". In rule 5(4) after the words "security and" there shall be inserted the words "the chief clerk".
Order 15	In rule 1(5) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 17	In rule 1(1) for the words "clerk of the Crown and peace" there shall be substituted the words "circuit registrar". In rule 6(1)(*a*) for the words "clerk of the Crown and peace or registrar" there shall be substituted the words "circuit registrar". In rule 6(1)(*c*)— after the words "officer shall" there shall be inserted the words "direct the chief clerk to"; the words "at his office or" shall be deleted; and for the word "he" there shall be substituted the words "the officer". In rule 12(3)(*b*) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 18	In rules 2, 4(1), 5, 6, 7 and 9 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar". In rule 4(4) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 19	In rules 1, 2, 3 and 5 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 20	In rule 1 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".

Provision amended or revoked	*Extent of amendment or revocation*
Order 21	In rule 2(1), (3) and (5) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar". In rules 2(6) and 3(1) and (5) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 3(3) for the words "clerk of the Crown and peace" where they firstly and thirdly occur there shall be substituted the words "circuit registrar" and for the words "clerk of the Crown and peace" where they secondly occur there shall be substituted the words "chief clerk".
Order 22	In rules 5, 6, 9, 11 and 13 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". Rules 8 and 10 shall be revoked.
Order 23	In rule 5 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 24	In rules 9, 16, 21(9), 24(1), 28(1) and 33(1) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 20 for paragraph (2)(*b*) there shall be substituted the following paragraph: "(*b*) the circuit registrar or chief clerk for the division in which the witness resides or carries on business;"
Order 25	In rule 29 for the words "clerk of the Crown and peace" wherever they occur substitute the words "chief clerk".
Order 26	In rule 6(2) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 27	In rule 1(1) for "Order 42" there shall be substituted the words "Court Funds Rules". In rule 1(3), (4), (5) and (6) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 28A	In rules 1 and 2 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 29	In rules 1(8) and (9), 5(2) and 6(3), (4) and (5) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". Rule 7 shall be revoked.
Order 30	In rules 1, 4(3), 6(2), 10(1) and (5) and 19 for the words "clerk of the Crown and peace" and "clerk of the Crown and peace or the registrar" there shall be substituted the words "chief clerk". Rule 7(4) shall be revoked.

Provision amended or revoked	*Extent of amendment or revocation*
	In rule 16(3)(*c*)— for the words "clerk of the Crown and peace" there shall be substituted the words "Accountant General"; and for "Order 42" there shall be substituted the words "Court Funds Rules".
Order 31	In rules 3, 5, 7, 9 and 10 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar".
Order 32	In rules 1 and 2 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 35	In rule 1(3) for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk". In rule 3 for "Order 42" there shall be substituted the words "Court Funds Rules".
Order 37	In rules 8(3) and (4), 11, 13, 14, 15, 16, 17, 18, 20 and 22 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 38	In rule 4 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 39	In rules 1, 2(*b*) and 3 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 2(*a*)— for the words "clerk of the Crown and peace" where they firstly occur there shall be substituted the words "Accountant General" and where they secondly occur there shall be substituted the words "chief clerk"; and for "Order 42" there shall be substituted the words "Court Funds Rules". In rule 3(1) and (4) after the word "judge" there shall be inserted the words "circuit registrar". In rule 3(6) the word "Registrar" shall be deleted.
Order 40	In rules 2, 4(1), 18, 20 and 21 for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 3 for the words "clerk of the Crown and peace" where they firstly occur there shall be substituted the words "circuit registrar or chief clerk" and for the words "clerk of the Crown and peace" where they occur in paragraphs (*a*) and (*b*) there shall be substituted the words "chief clerk". In rule 8 for the words "clerk of the Crown and peace or registrar" there shall be substituted the words "circuit registrar or chief clerk, as the case may be". In rule 14 for paragraph (2) there shall be substituted the following paragraph:

Provision amended or revoked	*Extent of amendment or revocation*
	"(2) Non-compliance with any of these Rules, or with any rule of practice for the time being in force, shall not render any proceedings void unless the Court or a Judge shall so direct, but such proceedings may be set aside either wholly or in part as irregular, or amended or otherwise dealt with in such manner and upon such terms as the Court or Judge shall think fit."
Order 41	Rule 2(1) shall be revoked. In rule 2(2) for the words "the foregoing provisions of this Rule" there shall be substituted the words "Court Funds Rules".
Order 42	For rule 1 there shall be substituted the following rule: "1.—(1) Subject to paragraph (2) and to Court Funds Rules, the county court for each division shall have a Civil Bill Account, a Criminal Injuries Account and a Security for Costs Account at such bank as the Lord Chancellor may, with the concurrence of the Treasury, designate. (2) Where a chief clerk acts for more than one division of the county court, only one Civil Bill Account, one Criminal Injuries Account and one Security for Costs Account may, unless the Lord Chancellor otherwise directs, be kept for those divisions". Rules 2, 3, 4, 5(2) and (3), 6, 9(4) and (5), 10, 11 and 13 shall be revoked. In rule 5(1)— for the words "the County Court Account" there shall be substituted the word "court"; and for the words "names of the county court judge and the clerk of the Crown and peace" there shall be substituted the words "name of the Accountant General". In rule 9(3) for "Order 41, Rule 2" there shall be substituted the words "Court Funds Rules".
Order 43	In rules 6(2) and (3), 7(1), 8 and 9(1) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk".
Order 45	In rule 9(1), (2) and (6) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "circuit registrar". In rule 9(1) the words "or registrar" shall be deleted. After rule 18 there shall be inserted the following rule: *"Proceedings in which the amount awarded does not exceed* £300. 19.—(1) In any proceedings before a judge, other than excepted proceedings within the meaning of Order 25, Rule 15(1), if the award by the judge does not exceed— (*a*) £300, only half of the amount of the scale costs shall be allowed, unless the judge otherwise orders; or

Provision amended or revoked	*Extent of amendment or revocation*
	(*b*) £200, no costs, save those which would have been awarded under Order 25A, Rule 9, shall be allowed if the judge is satisfied that the proceedings should have been brought by way of arbitration under section 61A(3) of the Act. (2) In any proceedings before a circuit registrar, if the award by the circuit registrar does not exceed £200, no costs, save those which would have been awarded under Order 25A, Rule 9, shall be allowed if the circuit registrar is satisfied that the proceedings should have been brought by way of arbritration under section 61A(3) of the Act."
Order 47	In rule 1 the words "the county containing" shall be deleted. In rules 2, 3(1) and (4) for the words "clerk of the Crown and peace" wherever they occur there shall be substituted the words "chief clerk". In rule 3(2) for the words "clerk of the Crown and peace or registrar" there shall be substituted the words "chief clerk". In rule 3(3) for the words "clerk of the Crown and peace" where they firstly occur there shall be substituted the words "circuit registrar or other officer" and for the words "clerk of the Crown and peace or other registrar" there shall be substituted the words "chief clerk".
Order 48	In rule 1(1) for the words "clerk of the Crown and peace, registrar or other officer of the county court service" there shall be substituted the words "circuit registrar, chief clerk or other officer of the Northern Ireland Court Service". In rules 1(2) and (4), 3 and 7 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk".
Order 49	In rule 1(1) before the definition of "court messenger" there shall be inserted the following definition: " "Court Funds Rules" means rules made by the Lord Chancellor, with the concurrence of the Treasury, under section 82 of the Judicature (Northern Ireland) Act 1978".
Appendix A	In Form 1 for the words "BY THE COUNTY COURT JUDGE/RECORDER" there shall be substituted the words "BY THE COUNTY COURT JUDGE/ RECORDER/CIRCUIT REGISTRAR".
Appendices A to ZM	Subject to the exceptions hereinafter referred to, in all Forms in which the words "Clerk of the Crown and Peace" occur, for the words "Clerk of the Crown and Peace" wherever they occur there shall be substituted the words "Chief Clerk".

Provision amended or revoked	*Extent of amendment or revocation*
Appendix K	For Forms 2 and 3 there shall be substituted the following forms—

"FORM 2

Notice to be posted by defendant to plaintiff or his solicitor

SUMMARY/DEFAULT*

ORDER 12, RULES 3 AND 9

[Title as in Form 1]

To [*name*]
of [*address*]
Plaintiff/Solicitor for the Plaintiff.

TAKE NOTICE that I [*name*] the defendant herein [*strike out whichever of the following lines do not apply to your case*]

1. Dispute liability for the plaintiff's claim in whole or in part.
2. Have a counterclaim against the plaintiff for [*state particulars of amount and circumstances*].
3. Wish this action to be dealt with by way of arbitration under Order 25A.

Signed
Address
Date

Defendant/Defendant's Solicitor

*Delete whichever is inapplicable.

Note: (1) The name and address of the plaintiff's solicitor must be stamped on this Form before it is served on the defendant together with the civil bill.

(2) Item 3 only applies to actions where the amount claimed does not exceed £200.

FORM 3

Notice to be posted by defendant to Chief Clerk

SUMMARY/DEFAULT*

ORDER 12, RULES 3 AND 9

[Title as in Form 1]

To the Chief Clerk

[*address*]

TAKE NOTICE that I [*name*] the defendant therein [*strike out whichever of the following lines do not apply to your case*]

1. Dispute liability for the plaintiff's claim in whole or in part.
2. Have a counterclaim against the plaintiff for [*state particulars of amount and circumstances*].

Provision amended or revoked	*Extent of amendment or revocation*
	3. Wish this action to be dealt with by way of arbitration under Order 25A. Signed Address Date Defendant/Defendant's Solicitor *Delete whichever is inapplicable. **To be completed by plaintiff or his solicitor. Note: (1) The name and address of the plaintiff's solicitor must be stamped on this Form before it is served on the defendant together with the civil bill. (2) Item 3 only applies to actions where the amount claimed does not exceed £200.
Appendix M	In Form 2 for the words "Clerk of the Crown and Peace" in the body of the form there shall be substituted the words "Circuit Registrar". In Form 3 for the words "I have" there shall be substituted the words "the Circuit Registrar has" and for the words "I refuse" there shall be substituted the words "he refuses". In Form 4 for the words "with me" shall be deleted. In Form 6 for the word "me" there shall be substituted the words "the Circuit Registrar".
Appendix O	In the Form of Summons in Chambers for the words "Clerk of the Crown and Peace" in the body of the form there shall be substituted the words "Circuit Registrar".
Appendix P	In Forms 1, 2, 6, 7, 8, 9, 19, 20, 21 and 23 for the words "Clerk of the Crown and Peace [or Registrar]" wherever they occur in the body of a form there shall be substituted the words "Circuit Registrar". In Forms 3, 4 and 5— for the words "Clerk of the Crown and Peace" where they occur before the words "shall pay out" there shall be substituted the words "Accountant General"; for the words "Clerk of the Crown and Peace" where they occur after the words "shall deliver up to the" there shall be substituted the words "Chief Clerk"; and for the words "Clerk of the Crown and Peace [or Registrar]" wherever they occur in the body of each form there shall be substituted the words "Circuit Registrar". In Forms 10 to 18 and 24 for the words "Clerk of the Crown and Peace" there shall be substituted the words "Circuit Registrar".
Appendix Q	In Forms 1 and 3 and in the body of Form 4 for the words "Clerk of the Crown and Peace" there shall be substituted the words "Circuit Registrar".

Provision amended or revoked	*Extent of amendment or revocation*
Appendix U	Appendix U shall be revoked.
Appendix Y	Appendix Y shall be revoked.
Appendix Z	In Forms 3 and 4— for the words "Clerk of the Crown and Peace" where they firstly and secondly occur in the body of each form there shall be substituted the words "Accountant General"; and for the words "joint names of the County Court Judge/Recorder for the aforesaid Division and Clerk of the Crown and Peace for the County of "there shall be substituted the words "Accounant General". In Form 14 for the words "Clerk of the Crown and Peace" and "Clerk of the Crown and Peace [or Registrar]" in the body of and below the certificate on the form there shall be substituted the words "Circuit Registrar". In Form 15 for the words "Clerk of the Crown and Peace [or Registrar]" and "Clerk of the Crown and Peace" in the final paragraph in the body of and below the certificate on the form there shall be substituted the words "Circuit Registrar".
Appendix ZA	In Form 1— in paragraphs 5 and 9 for the words "to be obtained from the Clerk of the Crown and Peace" there shall be substituted the words "of the Accountant General"; in paragraph 6 for the words "Clerk of the Crown and Peace" where they occur after the words "at the office of the" there shall be substituted the words "Chief Clerk"; and for the words "Clerk of the Crown and Peace" wherever else they occur there shall be substituted the words "Circuit Registrar". In Forms 6, 7, 9 and 10 for the words "Clerk of the Crown and Peace" wherever they occur there shall be substituted the words "Circuit Registrar". In Form 8 for the words "Clerk of the Crown and Peace" where they firstly occur there shall be substituted the words "Circuit Registrar" and where they secondly occur there shall be substituted the words "Accountant General". In Form 12 for the words "Clerk of the Crown and Peace" where they occur in the body of the form there shall be substituted the words "Circuit Registrar".
Appendix ZF	Forms 1 and 3 shall be revoked.
Appendix ZK	In item 9 Part VIII for the words "Clerk of the Crown and Peace under Order 41: Rule 2" there shall be substituted the words "Accountant General under Court Funds Rules". In Parts VIII (except item 9) and IX for the words "Clerk of the Crown and Peace" and "Registrar" there shall be substituted the words "Circuit Registrar".

Provision amended or revoked	*Extent of amendment or revocation*
Appendix ZM	In Form 1 for the words "Clerk of the Crown and Peace" there shall be substituted the words "Circuit Registrar or Chief Clerk".

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules amend the County Court Rules (Northern Ireland) 1976 by substituting for references to the clerk of the Crown and peace and county court registrar references to the circuit registrar and chief clerk and make other incidental and consequential amendments.